

HAWAII LABOR RELATIONS BOARD

**ANNUAL REPORT TO
THE HONORABLE LINDA LINGLE
GOVERNOR OF THE STATE OF HAWAII**

2008-2009

PRESENTED BY THE HAWAII LABOR RELATIONS BOARD

JAMES B. NICHOLSON, Chair
EMORY J. SPRINGER, Member
SARAH R. HIRAKAMI, Member

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I. EXECUTIVE SUMMARY

The Hawaii Labor Relations Board (HLRB or Board) is a quasi-judicial agency which administers the provisions of Hawaii Revised Statutes (HRS) Chapters 89 and 377 regarding collective bargaining in public and private employment. The mission of the Board is to enforce and protect the rights of employees and unions to organize and bargain collectively in balance with the employer's rights to manage operations as provided by law and to fairly and efficiently resolve labor disputes brought before it. The Board is attached to the State Department of Labor and Industrial Relations (DLIR) for administrative purposes only.

The Board conducts hearings to decide complaints filed by public and private sector employees, employee organizations or unions, and employers alleging prohibited or unfair labor practices. These cases typically involve an employer or union's failure to bargain in good faith, an employer or union's interference with an employee's right to participate in or refrain from bargaining activities, or a union's failure to fairly represent its members in the negotiation of agreements or the pursuit of grievances. The Board also conducts union representation elections, supervises the impasse procedures in public employment, and issues declaratory rulings which clarify the applicability of governing statutes and its rules.

The Board has jurisdiction over public employers, i.e., the State of Hawaii and the counties, the Judiciary, the Department of Education, including the public charter schools, the University of Hawaii system, and the Hawaii Health Systems Corporation. In the private sector, the Board has jurisdiction over primarily agricultural employees and employers, and those who are not subject to the jurisdiction of the National Labor Relations Board.

The Board also decides contests and appeals of decisions rendered by the DLIR Director, through the Hawaii Occupational Safety and Health Division (HIOSH) under HRS Chapter 396. Its mission under HRS Chapter 396 is to ensure the right of workers to a safe and healthful work environment and encourage employer and employee efforts to reduce injuries and illnesses arising from employment. These cases typically involve employer contests of citations and penalties issued and appeals in discrimination cases involving the reporting of health and safety violations.

In the 2008-2009 fiscal year (FY 2009), a total of 60 employment cases (60 public sector, 0 private sector) and 33 HIOSH cases were filed with the Board. The Board conducted 87 prehearing or status conferences, 40 motions hearings, and 24 days of hearings and closed 57 cases. The Board issued 4 decisions relating to collective bargaining and 99 orders, including 42 orders disposing of the cases. The Board also issued 1 Occupational Safety and Health decision and 43 orders, including 14 dispositive orders. In addition, the Board was party to 23 court proceedings and was affirmed in 67% of the Court appeals where its decisions were reviewed.

II. INTRODUCTION

Pursuant to HRS § 89-5(a), the Board presents its annual report to the Governor describing its activities for fiscal year 2009 and reflecting the status of the Board on June 30, 2009.

III. MISSION STATEMENT

The mission of the Board is to enforce and protect the rights of employees and unions to organize and bargain collectively in balance with the employer's rights to manage operations as provided by HRS Chapters 89 and 377 by fairly and efficiently resolving labor disputes brought before it. The Board is committed to promote the harmonious and cooperative relations between the parties.

In 2002, the Board also acquired jurisdiction to conduct de novo hearings on contests from citations issued by the DLIR Director through the HIOSH Division and appeals from HIOSH's findings in discrimination complaints involving retaliation for reporting safety and health violations. The Board's mission pursuant to HRS Chapter 396 is to ensure the right of workers to a safe and healthful work

environment and encourage employer and employee efforts to reduce injury and illness arising out of employment.

IV. OVERVIEW

Governing Constitutional Provisions and Statutes

Private employees in the State of Hawaii have a constitutional right to organize. Article XIII, Section 1 of the State Constitution, provides that, "Persons in private employment shall have the right to organize for the purpose of collective bargaining." The Hawaii Employment Relations Act (HERA) was enacted in 1945 and codified as HRS Chapter 377 to permit employees who are not subject to the Railway Labor Act or the National Labor Relations Act to participate in collective bargaining. The Hawaii Employment Relations Board (HERB) was created to administer the provisions of the HERA.

Similarly, in 1968, the State Constitution was amended to afford public employees in the State of Hawaii the right to organize for the purpose of collective bargaining. Article XIII, Section 2 of the State Constitution, provides that, "Persons in public employment shall have the right to organize for the purpose of collective bargaining as provided by law." In 1970, the Legislature enacted Act 171, Session Laws of Hawaii, which was subsequently codified as HRS Chapter 89, Collective Bargaining in Public Employment, to encourage joint decision-making in administering government. The Act created the Hawaii Public Employment Relations Board (HPERB) to administer the provisions of HRS Chapter 89. In 1985, the Legislature abolished the HERB and transferred its functions to the HPERB and renamed it the Hawaii Labor Relations Board, effective January 1, 1986, to administer the provisions of both HRS Chapters 89 and 377.

Thereafter, in 2002, the Legislature enacted Act 104, Session Laws of Hawaii, which empowered the Board to conduct de novo hearings in reviewing contests from citations or orders of the Director of Labor and Industrial Relations involving occupational health and safety pursuant to HRS § 396-11.¹

Functions

The Board is an agency within the DLIR for administrative and budgetary purposes. The Board exercises quasi-judicial powers with jurisdiction over disputes pertaining to collective bargaining in the public sector arising under HRS Chapter 89 and in the private sector under HRS Chapter 377. Accordingly, the primary duties of its members are to hear and decide contested cases involving prohibited or unfair labor practice complaints and to render declaratory rulings on questions submitted. These cases typically involve an employer or union's failure to bargain in good faith, an employer or union's interference with an employee's right to participate in or refrain from bargaining activities, or a union's failure to fairly represent its members in the negotiation of agreements or the pursuit of grievances. The Board also conducts union representation elections, supervises the impasse procedures in public employment, and issues declaratory rulings to clarify the applicability of governing statutes and its rules. In addition, the Board also resolves disputes involving bargaining unit designations and determines the appropriateness of dues refunds for nonmembers.

In the public sector, the Board has jurisdiction over state and county employees, judiciary employees, public school teachers, faculty of the University of Hawaii and community college system, employees of the Hawaii Health Systems Corporation, and charter school employees.

In the private sector, the Board similarly conducts representation elections and resolves unfair labor practice complaints. The Board has jurisdiction over primarily agricultural employees and employers and those private employees and employers who are not subject to the jurisdiction of the National Labor

¹Prior to 2002, the Labor and Industrial Appeals Board of the DLIR (LIRAB) heard contests filed under HRS § 396-11.

Relations Board. Typically, the employees are members of unions or are involved with organizing activities.

In addition, the Board decides contests and appeals of decisions rendered by the Director of Labor and Industrial Relations, State of Hawaii, through HIOSH under HRS Chapter 396. These cases are typically employer contests of citations and penalties issued and appeals in discrimination cases involving retaliation against employees for reporting safety and health violations.

Board Members

The Board is composed of three members, one of whom is representative of management, one who is representative of labor and the third member, the Chair, who represents the public. Each member is appointed by the governor and confirmed by the Senate for six-year terms. Because cumulative experience and continuity in office are essential to the proper administration of HRS Chapter 89, the two-term appointment limit in HRS § 26-34 is not applicable, and members can continue in office as long as efficiency is demonstrated. The Board is composed of the following:

JAMES B. NICHOLSON, Chair, appointed July 1, 2007; annual salary \$94,795. Mr. Nicholson graduated from Saint Louis School in Honolulu, Hawaii and received his Bachelor of Arts from Michigan State University. He received his Juris Doctorate degree from the William S. Richardson School of Law and was admitted to the Hawaii State Bar in 1986. During his professional career he was a Union representative for the Kansas City Chiefs; Management negotiator for the Hawaii Employers Council; Production Manager for Weyerhaeuser Paper Company, represented the Teamsters Local 996 and State Organization of Police Officers in grievance arbitration cases, represented Hawaiian Electric Company in grievance arbitration cases and served as an arbitrator in public and private labor disputes.

EMORY J. SPRINGER, Member, representative of labor, appointed July 1, 2005; annual salary \$90,055. Mr. Springer graduated from St. Joseph High School in Hilo, Hawaii and attended the University of Hawaii – Hilo majoring in Police Science. Mr. Springer served as a police officer for the County of Hawaii for 20 years and during his career, received many letters of commendations and a certificate of merit for bravery. Mr. Springer served eight years as Chair of SHOPO's Hawaii Chapter and in that capacity, participated in representing SHOPO members in numerous grievances and at the negotiating table.

SARAH R. HIRAKAMI, Member, representative of management, appointed July 1, 2006; annual salary \$90,055. Ms. Hirakami previously served as deputy legal counsel to the Board of Water Supply, City and County of Honolulu, and as a deputy attorney general in the Employment Law Division of the Department of the Attorney General, State of Hawaii. Prior to becoming an attorney, Ms. Hirakami worked as an engineer. Ms. Hirakami graduated from the University of Hawaii with a Bachelor of Science degree from the College of Engineering, and received a Juris Doctorate degree from the William S. Richardson School of Law with a certificate in Environmental Law.

Board Staff

Pursuant to HRS § 89-5(a), the Board may appoint the members of its staff. The Board's secretary and legal clerk are in the civil service system and excluded from collective bargaining. Other staff members are exempt from civil service and excluded from collective bargaining. The staff is composed of the following:

VALRI LEI KUNIMOTO, Executive Officer; annual salary \$97,332. Ms. Kunimoto serves as legal counsel to the Board, represents the Board in the courts, and performs such legal and administrative duties as may be delegated by the Board Chair. Her administrative duties may include supervising the other staff members; drafting and editing Board publications and decisions; and responding to inquiries from the public. Ms. Kunimoto has served as the Executive Officer with the Board since April 1981 under Board Chairs Mack Hamada, Bert Tomasu, and the late Brian Nakamura. She graduated with distinction from the University of Hawaii with a Bachelor of Arts degree in Psychology and received a Juris Doctorate

degree from Hastings College of the Law, University of California. Prior to working with the Board, Ms. Kunimoto served briefly as a law clerk with Chief Justice William S. Richardson, Supreme Court of Hawaii. Thereafter, she served as deputy attorney general in the administration division, advising and representing then Department of Personnel Services and other executive departments in arbitrations, administrative hearings, and litigation regarding administrative law and personnel issues.

NORA A. EBATA, Secretary IV; SR 18L. Ms. Ebata provides clerical services for the Chair and Board members. She also serves as the office manager, supervises the Board's clerical staff and is responsible for fiscal and personnel recordkeeping, including purchasing and travel for the Board. Ms. Ebata types from a draft and finalizes Board decisions, orders, notices, and other Board publications; proofs and finalizes court documents; serves as a clerk in Board proceedings; and responds to public inquiries.

SAU LAN LEUNG, Legal Clerk; SR 14. Ms. Leung performs a variety of clerical tasks; types from a draft, finalizes and distributes Board decisions, orders, notices and legislative documents; prepares and files court documents, including pleadings, records on appeal, and briefs; and maintains the Board's library. Ms. Leung also serves as a clerk in Board proceedings, responds to public inquiries, and when requested, serves as an interpreter for the department.

V. DATA ON THE PUBLIC SECTOR BARGAINING UNITS

The collective bargaining law for public employees divides all State and county employees covered by Chapter 89, HRS, into 13 units based upon occupational and compensation plan groupings. These bargaining units, described in HRS § 89-6(a), are as follows:

- (1) Non-supervisory employees in blue collar positions;
- (2) Supervisory employees in blue collar positions;
- (3) Non-supervisory employees in white collar positions;
- (4) Supervisory employees in white collar positions;
- (5) Teachers and other personnel of the department of education under the same pay schedule, including part-time employees working less than twenty hours a week who are equal to one-half of a full-time equivalent;
- (6) Educational officers and other personnel of the department of education under the same pay schedule;
- (7) Faculty of the University of Hawaii and the community college system;
- (8) Personnel of the University of Hawaii and the community college system, other than faculty;
- (9) Registered professional nurses;
- (10) Institutional, health and correctional workers;
- (11) Firefighters;
- (12) Police officers; and
- (13) Professional and scientific employees, who cannot be included in any of the other bargaining units.

It is customary to refer to the bargaining units by the numbers used in HRS § 89-6(a). For example, the unit consisting of firefighters is referred to as Unit 11.

Exclusive Representatives

All 13 public employee collective bargaining units have selected employee organizations to serve as their exclusive representatives. Throughout the remainder of this report, the following abbreviations will be used to refer to the respective exclusive representatives (or unions):

HFFA	Hawaii Fire Fighters Association, Local 1463, IAFF, AFL-CIO
HGEA	Hawaii Government Employees Association, AFSCME, Local 152, AFL-CIO
HSTA	Hawaii State Teachers Association
SHOPO	State of Hawaii Organization of Police Officers
UHPA	University of Hawaii Professional Assembly (NEA-AAUP)
UPW	United Public Workers, AFSCME, Local 646, AFL-CIO

Number of Employees in Units

The following table indicates, for each bargaining unit, the number of employees who are included in the unit, the union and the date that the union was initially selected and certified as the exclusive representative.

Unit	No. of Employees	Exclusive Representative	Date of Initial Certification
01	8,848 ²	UPW	10/20/71
02	831	HGEA	10/20/71
03	14,589	HGEA	04/03/72
04	885	HGEA	05/03/72
05	12,997	HSTA	05/21/71
06	773	HGEA	06/10/71
07	3,934	UHPA	11/01/74
08	2,102	HGEA	01/26/73
09	1,442	HGEA	07/10/79
10	2,961	UPW	02/11/72
11	1,887	HFFA	02/04/72
12	2,874	SHOPO	07/14/72
13	7,561	HGEA	05/03/72

VI. CASES BEFORE THE BOARD DURING FY 2009

Case Statistics

The following represents the cases filed and pending before the Board in FY 2009:

²These figures are from HLRB Informational Bulletin No. 47, dated March 3, 2009, which was compiled from data supplied by the public employers. These figures are current as of December 31, 2008.

Type of Case	Pending 6/30/08	Filed	Closed	Pending 6/30/09
<i>Public Sector</i>				
Prohibited Practice against Employer	47	35	33	49
Prohibited Practice against Union	4	10	7	7
Impasse	0	11	0	11
Declaratory Ruling	4	1	3	2
Investigation	0	0	0	0
Rule Making	0	0	0	0
Unit Clarification	0	6	4	2
Representation	0	0	0	0
Unfair Labor Practice against Employer	0	0	0	0
Unfair Labor Practice against Union	0	0	0	0
Type of Case	Pending 6/30/08	Filed	Closed	Pending 6/30/09
<i>HIOSH Appeals</i>				
Citation	6	30	15	21
Discrimination	0	3	0	3
Total	61	96	62	95

In FY 2009, in the 2008-2009 fiscal year (FY 2009), a total of 60 employment cases (60 public sector, 0 private sector) and 33 HIOSH cases were filed with the Board. The Board conducted 87 prehearing or status conferences, 40 motions hearings, and 24 days of hearings and closed 57 cases. The Board issued 4 decisions relating to collective bargaining and 99 orders, including 42 orders disposing of the cases. The Board also issued 1 Occupational Safety and Health decision and 43 orders, including 14 dispositive orders. In addition, the Board was party to 23 court proceedings and was affirmed in 67% of the Court appeals where its decisions were reviewed.

One measure of the Board's efficiency is the percentage of cases disposed of within 30 days of submission. During FY 2009, the Board closed 93% of the cases within 30 days. These cases vary in complexity; some involving issues affecting one employee and others affecting the rights of a large number of employees.

Cases Closed During FY 2009

The chart in Appendix A provides information on the cases closed by the Board during FY 2009.

Cases Pending on June 30, 2009

The chart in Appendix B provides information on the cases pending before the Board on June 30, 2009.

Court Cases in FY 2009

The chart in Appendix C provides information on the cases in the courts.

VII. PUBLICATIONS

1. HLRB Decisions: The Board, working with the Industrial Relations Center (IRC), University of Hawaii, publishes the Board's decisions in loose-leaf binders for sale on a subscription basis. Thus far, Volume 1, containing Decision Nos. 1 through 85 covering the years 1971-77; Volume 2, containing Decision Nos. 86 through 155 covering the years 1978-81; Volume 3, containing Decision Nos. 156 through 209 covering the years 1982-85; Volume 4, containing Decision Nos. 210 through 311 covering the years 1986-90; Volume 5, containing Decision Nos. 312 through 393 covering the years 1991-97; and Volume 6 containing Decision Nos. 394 to 456, have been issued. Copies of recent decisions are available on the Board's website at www.hawaii.gov/labor.

The Board also distributes copies of its decisions as they are rendered to the respective parties in interest, the State agencies as required by HRS § 93-3.

2. Informational Bulletin: Each year the Board issues an Informational Bulletin which provides, by employing jurisdictions, the number of public employees in each of the 13 collective bargaining units established by HRS § 89-6(a). The figures are compiled from data supplied by the public employers.

3. Website: Rules, forms, bulletins and recent decisions of the Board are posted on the DLIR website at www.hawaii.gov/labor.

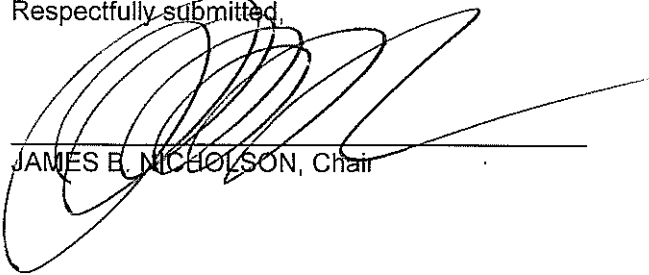
VIII. CONCLUSION

In reviewing the case activity for labor relations cases for this fiscal year, the Board believes it has continued to meet its goals of fairly administering the provisions of HRS Chapters 89 and 377, credibly and objectively, resolving the labor-management disputes brought before it by promoting good faith and harmony in the working relationships of the respective parties. The Board has worked diligently to encourage the settlement of disputes brought before it by broaching settlement issues early at the prehearing conference, encouraging the parties with authority to resolve the controversy to attend the initial conferences, involving individual Board Members to assist the parties in settlement discussions, and addressing various groups of public sector and private sector practitioners and stakeholders at conferences to explain the Board's processes and its work to improve the relationships between the unions and the employers. In many cases, the parties were able to resolve their disputes and the Board credits the parties for their efforts and reasonableness in reaching a settlement.

This fiscal year has presented new challenges for the parties involved in collective bargaining in the public sector. The Board looks forward to the opportunity to assist the parties in resolving their disputes.

With respect to the HIOSH contests, the Board conducted de novo hearings on the contests of citations. The Board strives to provide a forum for the fair and efficient adjudication of safety and health contests by balancing the rights of employers while securing the safety of their workers. As evidenced by the closed cases in Appendix A, the parties were successful in settling a number of contests. The Board commends the parties for their reasonableness in resolving their disputes.

Respectfully submitted,



JAMES E. NICHOLSON, Chair



SARAH R. HIRAKAMI, Member

Dated:

HAWAII LABOR RELATIONS BOARD - CASES CLOSED FY 2009

Case No.	Parties	Concerns	Disposition	Date
OSH 2008-5	DLIR v. Kona Honu Divers, Inc.	Storage of oxygen tanks	Order No. 287 approving Stipulation and Settlement Agreement.	7/11/2008
CE-10-670 CU-10-264	Richard Condon v. Department of Human Services; Richard Condon v. UPW	Lack of staffing; DFR	Order No. 2522 granting UPW's motion to dismiss complaint with prejudice.	7/11/2008
OSH 2008-2	DLIR v. American Honolulu Construction, Ltd.	Citation - \$600	Order No. 288 approving withdrawal of contest.	07/21/08
CE-10-670 CU-10-264	Richard Condon v. Department of Human Services; Richard Condon v. UPW	DFR and discipline	Order No. 2526 granting DHS' motion to dismiss complaint with prejudice.	07/24/08
CE-01-664	UPW v. Mufi Hannemann and Lester K.C. Chang	Refusal to provide information	Order No. 2527 granting UPW's motion for summary judgment.	07/25/08
CE-07-659	UHPA v. BOR	Refusal to comply with Hearings Officer's decision on negative tenure application	Order No. 2528 granting BOR's motion for summary judgment.	07/25/08
CE-01-611	UPW v. Department of Environmental Services, Ray Mumford, and Wayne Hamada	Retaliation for filing grievance	Order No. 2529 approving withdrawal of prohibited practice complaint, with prejudice.	07/29/08
CE-01-615	UPW v. City and County of Honolulu	Surveillance of union steward	Order No. 2530 approving withdrawal of prohibited practice complaint, with prejudice.	07/29/08
CE-01-616	UPW v. City and County of Honolulu	Interference - election of shop steward	Order No. 2531 approving withdrawal of prohibited practice complaint, with prejudice.	07/29/08
CE-01-617	UPW v. City and County of Honolulu	Denial of temporary assignments	Order No. 2532 approving withdrawal of prohibited practice complaint, with prejudice.	07/29/08
CE-01-618	UPW v. City and County of Honolulu	Retaliation - written reprimand	Order No. 2533 approving withdrawal of prohibited practice complaint, with prejudice.	07/29/08
CE-01-665	UPW v. City and County of Honolulu and Mufi Hannemann	Surveillance of union steward	Order No. 2534 approving withdrawal of prohibited practice complaint, with prejudice.	07/29/08
CE-01-676	UPW v. City and County of Honolulu and Mufi Hannemann	Violating settlement	Order No. 2535 approving withdrawal of prohibited practice complaint, with prejudice.	07/29/08

HAWAII LABOR RELATIONS BOARD - CASES CLOSED FY 2009

Case No.	Parties	Concerns	Disposition	Date
DR-01-97 DR-02-97	DOT and UPW and HGEA	Applicable collective bargaining agreement.	Order No. 2540 granting UPW's motion to dismiss.	08/05/08
CE-05-672	HSTA v. Board of Education and Arthur F. Souza	Refusal to provide information	Order No. 2541 denying HSTA's motion for summary judgment, granting summary judgment in DOE's favor, and dismissing complaint.	08/06/08
OSH 2008-4	DLIR v. JAS Roofing	Citation - \$2,000	Order No. 290 approving withdrawal of contest.	08/18/08
OSH 2008-6	DLIR v. Time Frame, Inc.	Citation - \$9,150	Order No. 291 approving withdrawal of contest.	08/25/09
CE-01-682	Anthony R.K. Ho v. DAGS, Russ Saito, Glenn Okada and Chester Tomono	Workplace violence; harassment; slander	Order No. 2547 granting Respondents' motion to dismiss, filed on July 31, 2008.	09/05/08
OSH 2007-19	DLIR v. International Roofing & Building Construction, Inc.	Citation - \$15,000	Order No. 293 approving stipulation and settlement agreement.	09/08/08
CE-07-673	UHPA v. BOR	Failure to consult over Singaporean campus	Order No. 2552 granting Complainant University of Hawaii Professional Assembly's motion to withdraw complaint, filed on September 16, 2008.	09/29/08
CE-11-671	HFFA v. Brennon Morioka	Unilateral change of condition	Order No. 2553 granting withdrawal of complaint.	09/29/08
OSH 2008-10	DLIR v. MD Builders	Citation - \$2,250	Order No. 296 approving withdrawal of contest.	10/02/08
DR-05-99	HSTA and Valerie Biven, Felicia Friend - Belach, Diane Schwartz, William Schwartz, Kris Yoakum, Linda Lingle, Board of Education, Patricia Hamamoto, and Marie Laderta	Scope of bargaining - drug and alcohol testing.	Order No. 2554 denying petition for declaratory ruling.	10/06/08
RA-13-230	County of Hawaii	Exclusion of Waterworks Information Systems Manager	Decision No. 474.	10/06/08
CE-07-678	UHPA v. BOR	Failure to select an arbitrator	Order No. 2555 granting Complainant's motion to withdraw complaint.	10/06/08
RA-13-231	County of Hawaii	Exclusion of Highway Superintendent	Decision No. 475.	10/07/08
CE-01-684a CE-10-684b	UPW v. Hawaii Health Systems Corporation and Thomas M. Driskill, Jr.	Failure to select an arbitrator	Order No. 2559 granting Complainant's motion to withdraw complaint, filed on October 10, 2008, without prejudice.	10/29/08

HAWAII LABOR RELATIONS BOARD - CASES CLOSED FY 2009

Case No.	Parties	Concerns	Disposition	Date
CE-01-686a CE-10-686b	UPW v. Hawaii Health Systems Corporation and Thomas M. Driskill, Jr.	Failure to provide information	Order No. 2560 granting Complainant's motion to withdraw complaint, filed on October 10, 2008, without prejudice.	10/29/08
CE-01-679a CE-10-679b	UPW v. Hawaii Health Systems Corporation, Thomas M. Driskill, Jr., and Earl Greenia	Elimination of 55 positions at Kona Hospital	Order No. 2561 granting Complainant's motion to withdraw complaint, filed on October 10, 2008, without prejudice.	10/29/2008
CE-12-690	SHOPO v. Thomas Phillips	Failure to provide information	Order No. 2563 granting Complainant State of Hawaii Organization of Police Officers' (SHOPO) motion to withdraw complaint.	11/18/08
OSH 2007-20	DLIR v. Permasteelisa Cladding Technologies, Inc.	Citation - \$5,000	Decision No. 24.	11/24/2008
CE-03-683a CE-04-683b	HGEA v. Linda Lingle; Clayton Frank; John R. Lum; and Robin Nagamine	Failure to consult over limitation on special duty for Sheriffs	Order No. 2565 granting HGEA/AFSCME motion to withdraw prohibited practice complaint filed on August 4, 2008.	12/04/08
CU-10-693 CE-10-270	Lesley Iaukea v. Honolulu Emergency Medical Services Division and UPW	Nonpayment of wages and salary overpayment	Order No. 2568 granting Respondents' motion to dismiss complaint filed October 20, 2008 and/or for summary judgment.	12/22/08
OSH 2008-8	DLIR v. Hawaiian Electric Company, Inc.	Citation - \$4,500	Order No. 304 approving stipulation and settlement agreement.	1/6/2009
OSH 2008-9	DLIR v. Macsteel Service Centers USA	Citation - \$1,750	Order No. 306 approving stipulation and settlement agreement.	01/14/09
CE-01-687	Frank M. Nitta v. Bryan Chun and DOE	Harassment	Order No. 2571 granting Complainant's motion to dismiss complaint, filed January 12, 2009.	01/26/09
OSH 2008-13	DLIR v. Holo-Holo Charters, Inc.	Citation - \$1,000	Order No. 307 approving stipulation and settlement agreement.	01/26/09
DR-01-95	UPW v. Patricia Hamamoto, Reshela Dupuis, Wendy W. Lagareta, and Marie Laderta	Charter schools	Order No. 2585 denying in part and granting in part Intervenor's motion to dismiss and/or for summary judgment; findings of fact, conclusions of law, and order.	02/02/09
CE-01-689	Anthony Dominguez v. Janice Mizusawa	Harassment	Order No. 2586 granting withdrawal of complaint.	02/03/09
OSH 2008-14	DLIR v. Gordon Sheet Metal, Inc.	Citation - \$375	Order No. 309 approving withdrawal of contest.	02/12/09

HAWAII LABOR RELATIONS BOARD - CASES CLOSED FY 2009

Case No.	Parties	Concerns	Disposition	Date
CE-05-607	HSTA v. Mary Ann Bode and Daniel Hamada	Interference and retaliation	Order No. 2590 closing case.	02/19/09
CE-07-688	UHPA v. BOR	Singapore Campus	Order No. 2594 granting Complainant University of Hawaii Professional Assembly's motion to withdraw complaint without prejudice filed March 2, 2009	03/03/09
OSH 2008-12	DLIR v. Aeko Kula, Inc.	Citation - \$1,875	Order No. 312 approving stipulation to dismiss.	03/09/09
CE-13-699	HGEA v. Department of Education	Schedule for occupational and physical therapists	Order No. 2598 granting withdrawal of complaint.	03/24/09
CE-01-698 CU-01-272	Shellford Cantan v. Department of Environmental Management, Solid Waste Division, County of Hawaii, Margaret Almada, Bobby Gonsalves, Michael Dworsky, Michael Deniz, Bobby Jean Leithhead Todd and Lono Tyson	DFR and discipline	Order No. 2599 dismissing prohibited practice complaints.	03/24/09
OSH 2009-2	DLIR v. Exclusive Island Roofing	Citation - \$1,500	Order No. 313 approving stipulation and settlement agreement.	04/06/09
CE-02-692 CU-02-269	Teddy S. Llana v. Oahu Community Correctional Center, Irene Rodrigues, and HGEA	Harassment, discrimination and denial of temporary assignment pay	Order No. 2608 granting Respondents' motions to dismiss complaint.	05/04/09
CU-01-273	John K. Loa v. UPW	DFR	Order No. 2609 granting UPW's motion to dismiss for lack of prosecution.	05/05/09
CE-01-685	UPW v. Mufi Hannemann and Sidney Quintal	Refusal to implement settlement of a grievance	Order No. 2610 granting Complainant's motion for withdrawal of complaint, filed on May 1, 2009	05/11/09
RA-13-234	County of Hawaii	Exclusion of Workers' Compensation Claims Specialist II	Decision No. 476.	05/26/09
RA-13-235	County of Hawaii	Exclusion of Workers' Compensation Claims Specialist III	Decision No. 477.	05/26/09
CE-01-655 On Remand	UPW v. Milton Arakawa and Charmaine Tavares	Failure to provide information	Order No. 2612 dismissing complaint.	06/01/09
OSH 2009-5	DLIR v. Au Construction, Inc.	Citation - \$3,000	Order No. 321 approving stipulation and settlement agreement.	06/01/09

HAWAII LABOR RELATIONS BOARD - CASES CLOSED FY 2009

Case No.	Parties	Concerns	Disposition	Date
CE-03-704a CE-04-704b	HGEA v. Linda Lingle; Clayton Frank; John R. Lum; and PSC	Failure to consult over policies	Order No. 2613 granting HGEA/AFSCME's motion to withdraw prohibited practice complaint filed on April 21, 2009.	06/04/09
CE-03-694a CE-04-694b	HGEA v. Linda Lingle, et al.	Negotiability of special duty policy	Order No. 2614 granting HGEA/AFSCME's motion to withdraw prohibited practice complaint filed on October 23, 2008.	06/08/09
CE-01-707	UPW v. Linda Lingle and Patricia Hamamoto	Failure to select a performance judge	Order No. 2615 granting Complainant's motion for withdrawal of prohibited practice complaint filed on May 14, 2009.	06/18/09
OSH 2009-12	DLIR v. Telecable Systems, Inc.	Citation - \$1,375	Order No. 323 approving stipulation and settlement agreement.	06/22/09
CU-03-275	Matthew Keikilani Tinay v. HGEA	DFR	Order No. 2618 granting withdrawal of prohibited practice complaint.	06/25/09
CU-10-268 CE-13-697	Eddy Conway v. HGEA; DLIR; Darwin L.D. Ching, and Colleen LaClair	DFR - failure to pursue grievances	Order No. 2619 granting Respondent HGEA's motion to dismiss, with prejudice.	06/25/09

HAWAII LABOR RELATIONS BOARD - CASES PENDING JUNE 30, 2009

Case No.	Parties	Concerns	Status
CE-03-357a CE-10-357b CE-13-357c	UPW, et al. v. Benjamin J. Cayetano, et al.	Privatization of Hale Hauoli, Kauai	Pending decision.
CE-01-378a CE-03-378b CE-10-378c CE-13-378d	UPW, et al. v. Benjamin J. Cayetano, et al.	Privatization of Hale Hauoli	Taken under advisement.
CE-01-537a CE-02-537b CE-03-537c CE-04-537d CE-06-537e	UPW and HGEA v. Kathleen Watanabe and Linda Lingle	Charter School employees	Pending decision.
DR-01-89a DR-10-89b	UPW and HGEA, Maui County, DHRD, Hawaii County, and Richard Keller	Bargaining over Act 253 policies and procedures	Pending.
CE-01-545a CE-10-545b	UPW v. Kathleen Watanabe and Linda Lingle	Refusal to bargain over rules	Pending.
CE-01-546a CE-03-546b CE-04-546c CE-09-546d CE-13-546e	HGEA v. Kathleen Watanabe and Linda Lingle	Failure to negotiate policies	Pending.
CE-01-550	UPW v. Robert Watada, Patricia Hamamoto, Board of Education and Waialae Elementary School Board	Closing of cafeteria	Pending.
CE-01-552a CE-10-552b	UPW v. Kathleen Watanabe and Linda Lingle	Discontinuation of prior practices	Pending.
CE-02-553a CE-03-553b CE-04-553c CE-09-553d CE-13-553e	HGEA v. Linda Lingle and Kathleen Watanabe	Discontinuation of prior practices	Consolidated with CE-01-552, et seq.

HAWAII LABOR RELATIONS BOARD - CASES PENDING JUNE 30, 2009

Case No.	Parties	Concerns	Status
CE-01-565a	UPW and HGEA v. Patricia Hamamoto and BOE	Charter School employees	Pending order.
CE-02-565b			
CE-03-565c			
CE-04-565d			
CE-01-576	UPW v. Larry J. Leopardi, Frank Doyle, and Jeremy Harris	Failure to negotiate and provide information	Pending order.
CE-01-581	UPW v. Frank Doyle and Jeremy Harris	Request for Information	Pending order.
CE-01-605a	UPW v. Marie Laderta and Valerie Pacheco	Settlement agreements in workers compensation cases	Pending decision.
CE-10-605b			
CE-05-607	HSTA v. Mary Ann Bode and Daniel Hamada	Discrimination	Hearing continued.
CE-01-609	UPW v. Hawaii Health Systems Corporation - Hilo Medical Center	Failure to provide information	Pending decision.
OSH 2005-28	DLIR v. DTB Construction Consultants, Inc.	Citation - \$55,000	Pending bankruptcy proceeding.
CE-02-632a			
CE-03-632b	HGEA v. Linda Lingle, Chiyome Fukino and Mark Fridovich	Failure to negotiate/consult of smoke free Hawaii State Hospital	Pending decision.
CE-04-632c			
CE-09-632d			
CE-13-632e			
CE-03-635a	HGEA v. Linda Lingle and Iwalani D. White	Failure to negotiate/consult over relocation of Sheriff's desks	Pending decision.
CE-04-635b			
CE-05-637	HSTA v. Department of Education	Student medication	Pending hearing on motions.
CE-01-639a	HGEA v. Linda Lingle, Chiyome Fukino and Mark Fridovich	Failure to bargain over no smoking policy	Motion to dismiss pending.
CE-03-639b			
CE-04-639c			
CE-09-639d			
CE-13-639e			
CE-01-647	UPW v. City and County of Honolulu, Kenneth Nakamatsu, and Clifford Lum	Request for Information - private contracts	Pending discussions.
CE-01-627	UPW	UPW filed Motion to Amend Order No. 2432	Pending order.
On Remand			
OSH 2007-22	DLIR v. Hilton Hotels Corporation	Citation \$2,625.	Pending briefing.
CE-01-650	UPW v. Mufi Hannemann and Kenneth Nakamatsu	Failure to provide information	Pending.

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Case No.	Parties	Concerns	Status
CU-09-261	Linda K. Hadley v. HGEA and Hawaii Youth Correctional Facility	DFR and harassment	Pending decision.
CE-09-651	UPW v. Watada, et al.	Union filed motion to reopen proceedings	Pending review of court order.
CE-01-558	UPW v. Watada, et al.	Union filed motion to reopen proceedings	Pending review of court order.
CE-05-658	HSTA v. BOE, Katherine Tolentino, and Scott Saiki	Discrimination and interference with Union activity	Hearing scheduled.
CE-01-661	HSTA v. Patricia Hamamoto, BOE, Linda Lingle, and Marie Laderta	Step movements	Motions pending.
CE-05-666	HSTA v. BOE, Katherine Tolentino, and Arthur Souza	Refusal to consult; unwarranted threats	Motion taken under advisement.
CE-01-634	UPW v. Clifford Lum, Randall Y.S. Chung, Herbert S.K. Kaopua, Samuel T. Hata, Ally J. Park, Rodney K. Haraga, Laverne Higa, Board of Water Supply, and Mufi Hannemann	CMMS	Motions heard; order pending.
CE-05-667	HSTA v. Board of Education, Patricia Hamamoto, and Susan H. Kitsu	Harassment policy	Motion hearing scheduled.
CE-05-668	HSTA v. Katherine Tolentino	Discrimination against teacher	Motions pending.
CE-05-669	HSTA v. Board of Education and Susan H. Kitsu	Denial of information	Motions pending.
CU-05-265	Patricia Hamamoto, Board of Education, Linda Lingle, and Marie Laderta v. HSTA	Failure to withdraw step movements charge	Motion taken under advisement.
CE-07-674	UHPA v. BOR	Limitation on summer school classes	Motions taken under advisement.
CE-05-675	Kaeo Kawaa v. Lydia Trinidad	Evaluation of charter school employee	Pending Prehearing and hearing.
CU-05-266	Patricia Hamamoto, Board of Education, Linda Lingle, and Marie Laderta v. HSTA	Filing of CE-05-668	Motion taken under advisement.
CE-05-677	HSTA v. Jennifer Kehe	Refusal to provide information.	Motion taken under advisement.
CU-05-267	Linda Lingle and Marie Laderta v. HSTA and Ray Camacho	Refusal to negotiate drug testing procedures.	Proceedings stayed pending court appeal.
CE-02-681	HGEA v. Patricia Hamamoto, Susan Kitsu, and Beth Schimmelfennig	ADA accommodation - Cafeteria Manager	Settlement discussed.

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Case No.	Parties	Concerns	Status
OSH 2008-7	Dean Powell v. Paul Brown's Spa Olakino & Salon	Discrimination	Hearings continuing.
RA-07-232	UHPA v. BOR	Faculty Librarians	Hearings continuing.
OSH 2008-11	DLIR v. HECO	Citation - \$10,875	Trial calendar set.
CE-13-695	HGEA v. Linda Lingle, Clayton Frank, Tommy Johnson and Matt Kaneshiro	Harassment	Pending status conference.
CE-12-696	SHOPO v. Mufi Hannemann, Boisse Correa, and C&C	Restriction of policy authority	Motion taken under advisement; mediation scheduled.
I-07-119	UHPA v. Linda Lingle and BOR	Impasse Unit 07.	Pending.
CU-01-271a	Marie Laderta v. UPW	Yamasaki arbitration	Resolved; pending withdrawal of complaint.
CU-10-271b			
OSH 2009-1	James R. Murray v. Shell Vacation Club and DLIR	Discrimination	Pending briefing.
I-01-120	UPW v. Linda Lingle, et al.	Impasse - Unit 08	Pending.
I-05-121	HSTA v. Linda Lingle, et al.	Impasse - Unit 05	Pending.
I-10-122	UPW v. Linda Lingle, et al.	Impasse - Unit 10	Pending arbitration.
I-02-123	HGEA v. Linda Lingle, et al.	Impasse - Unit 02	Pending arbitration.
I-03-124	HGEA v. Linda Lingle, et al.	Impasse - Unit 03	Pending arbitration.
I-04-125	HGEA v. Linda Lingle, et al.	Impasse - Unit 04	Pending arbitration.
I-06-126	HGEA v. Linda Lingle, et al.	Impasse - Unit 06	Pending arbitration.
I-08-127	HGEA v. Linda Lingle, et al.	Impasse - Unit 08	Pending arbitration.
I-09-128	HGEA v. Linda Lingle, et al.	Impasse - Unit 09	Pending arbitration.
I-13-129	HGEA v. Linda Lingle, et al.	Impasse - Unit 13	Pending arbitration.
CE-08-700	Dominique Thanh Nguyen v. Kim Uyehara	Termination	Motion taken under advisement.
CE-01-701	UPW v. Linda Lingle and Brennon Morioka	Failure to provide information	Hearing on merits scheduled.
OSH 2009-3	DLIR v. Commercial Roofing & Waterproofing Hawaii, Inc.	Citation - \$6,000	Trial scheduled.
RA-07-233a	UHPA v. BOR	Unit clarification for Laboratory School Teachers	Prehearing conference scheduled.
RA-08-233b			
CE-07-702	UHPA v. BOR	Direct dealing	Motion hearing scheduled.
OSH 2009-4	Robert U. Makakoa v. Aloha Petroleum and DLIR	Discrimination	Trial scheduled.
CU-06-274	Galen K. Onouye v. HGEA	DFR	Pending filing of motions.
CE-01-539 Remand	UPW v. Patricia Hamamoto and Connections	Termination	Pending filing of motions.

HAWAII LABOR RELATIONS BOARD - CASES PENDING JUNE 30, 2009

Case No.	Parties	Concerns	Status
CE-03-703a	HGEA v. Linda Lingle and Darwin Ching	Opening of Kaneohe office	Motion taken under advisement.
CE-04-703b			
OSH 2009-6	DLIR v. Hawaiian Dredging Construction Co., Inc.	Citation - \$10,000	Initial conference scheduled.
OSH 2009-7	DLIR v. Energy Industries LLC	Citation - \$7,500	Initial conference scheduled.
OSH 2009-8	DLIR v. Valley Isle Builders, Inc.	Citation - \$3,750	Motions to be filed.
OSH 2009-9	DLIR v. Tory's Roofing & Waterproofing, Inc.	Citation - \$1,575	Trial scheduled.
CE-10-705	UPW v. Elizabeth Char and Donald Gates	Third man permanent position	Motion taken under advisement.
CE-01-706	UPW v. Mufi Hannemann	Refusal to sign grievance settlement	Pending filing of motions.
OSH 2009-10	DLIR v. International Roofing & Building Construction, Inc.	Citation - \$42,000	Trial scheduled.
OSH 2009-11	DLIR v. Kelly Construction	Citation - \$2, 275	Trial scheduled.
OSH 2009-13	DLIR v. Pereira of Hawaii Inc. dba Midas Auto Service	Broken equipment - \$5,500	Initial conference scheduled.
OSH 2009-14	DLIR v. Hilton Hawaiian Village LLC	Protective equipment - \$7,500	Trial scheduled.
CE-07-708	UHPA v. BOR	Denial of promotion	Prehearing and hearing scheduled.
OSH 2009-15	DLIR v. PSC Industrial Outsourcing LP	Citation - \$15,000	Trial scheduled.
OSH 2009-16	DLIR v. Beachside Roofing LLC	Citation - \$900	Trial scheduled.
OSH 2009-17	DLIR v. Mike Ireland	Citation - \$1,000	Trial scheduled.
OSH 2009-18	DLIR v. Big Island Scrap Metal LLC	Citation - \$1,875	Trial scheduled.
OSH 2009-19	DLIR v. Rainbow Hawaii Farms LLC	Citation - \$3,750	Initial conference scheduled.
OSH 2009-20	DLIR v. Rainbow Hawaii Farms LLC	Citation - \$3,750	Initial conference scheduled.
CE-13-709	HGEA v. Department of Taxation	Outsourcing	Pending answer.
OSH 2009-21	DLIR v. Kobayashi Kiewit JV	Citation - \$1,125	Initial conference scheduled.
CE-01-710a	UPW v. Linda Lingle, Marie Laderta and Mufi Hannemann	Breach of ground rules and retaliatory layoffs	Pending answer.
CE-10-710b			
CU-03-276	Matthew Keikilani Tinay v. HGEA	DFR	HGEA's motion for particularization pending.
OSH 2009-22	DLIR v. Ralph S. Inouye Co. Ltd.	Citation - \$1,400	Initial conference scheduled.
OSH 2009-23	DLIR v. Eko Systems dba Big Systems	Citation - \$7,425	Initial conference scheduled.
OSH 2009-24	DLIR v. Site Engineering, Inc.	Citation - \$875	Initial conference scheduled.
OSH 2009-25	DLIR v. Hawaiian Sunshine Nursery, Inc.	Citation - \$875	Initial conference scheduled.
CE-01-711a	UPW v. Marie Laderta	Refusal to provide information.	Pending answer.
CE-10-711b			

HAWAII LABOR RELATIONS BOARD - CASES PENDING JUNE 30, 2009

Case No.	Parties	Concerns	Status
CE-01-712a	UPW v. Linda Lingle and Marie Laderta	Refusal to provide information.	Pending answer.
CE-10-712b			

HAWAII LABOR RELATIONS BOARD - COURT CASES IN FY 2009

Case No.	Parties	Concerns	Status
S. Ct. 27304 Civil No. 04-1-1844-10 Civil No. 04-1-1847-10 OSH 2003-3	Si-Nor, Inc. v. DLIR and HLRB; DLIR v. Si-Nor, Inc.	DLIR and the employer appealed Dec. No. 8.	First Circuit Court dismissed the appeals for lack of jurisdiction and entered judgment for the DLIR. Judgment and Notice of Judgment filed on 4/20/05. Si-Nor appealed to the Supreme Court. ICA reversed First Circuit Court and remanded case for further proceedings. Judgment on Appeal filed on 3/30/09.
S. Ct. 27497 Civil No. 04-1-2194 OSH 2003-4	DLIR v. Si-Nor, Inc., Charles Keena, and HLRB	DLIR appealed Dec. No. 9.	First Circuit Court reversed Dec. No. 9. Si-Nor filed appeal to the Supreme Court. Intermediate Court of Appeals issued Memorandum Opinion on 2/18/09 reversing First Circuit Court. Judgment on appeal filed on 3/10/09. Pending decision.
No. 28424 Civ. 06-1-0485-03 OSH 2003-17	Si-Nor, Inc. v. DLIR and HLRB; DLIR v. Si-Nor, Inc.	Appeal from Dec. No. 9.	
No. 27962 Civ. No. 05-1-1388 Civ. No. 05-1-1391 Case No. CE-01-538	UPW v. City and County of Honolulu, et al., and HLRB	UPW and City filed appeals from Dec. No. 452; cases consolidated.	First Circuit Court affirmed Dec. No. 452. UPW and City filed appeals to the appellate court. Pending decision.
No. 29410 Civ. No. 07-1-0456-03 Case No. CE-01-558	UPW and Robert Watada, et al.	UPW filed an appeal from Order No. 2424 denying its motion to reopen the case.	Case consolidated with Civ. 07-1-0457-03. First Amended Final Judgment filed on 10/6/08.
Civ. No. 07-1-0457-03 Case No. CE-01-594	UPW v. Robert Watada, et al.	UPW filed an appeal from Order No. 2425 denying its motion to reopen the case.	Case consolidated with Civ. 07-1-0456-03.
No. 28802 Civ. 07-1-0529-03 Case No. CE-01-627	UPW v. Kenneth Nakamatsu	UPW filed an appeal from Order No. 2432 granting motion for summary judgment.	Case was consolidated with Civ. 07-1-0612-04. Court remanded to Board in light of ICA's order for stay of Dec. 452. Judgment filed 10/10/07. UPW appealed Order to ICA. Pending decision.
Civ. 07-1-0612-04 Case No. CE-01-627	UPW v. Kenneth Nakamatsu	City filed an appeal from Order No. 2432 granting UPW's motion for summary judgment.	Consolidated with Civ. 07-1-0529-03.
No. 29037 Civ. 07-1-0708-04 Case No. 06-5(CE)	Del Monte Fresh Produce (Hawaii), Inc.; Edward C. Littleton; Stacie Sasagawa; Tim Ho; Dixon Suzuki; and Del Monte Fresh Produce Company v. ILWU and HLRB	Del Monte filed an appeal from Dec. No. 464 finding Respondents guilty of prohibited practices.	First Circuit Court affirmed Board Decision No. 464, dated March 21, 2007, on 2/1/08. Judgment and Notice of Judgment filed on 2/1/08. Del Monte filed appeal to ICA. Pending decision.

HAWAII LABOR RELATIONS BOARD - COURT CASES IN FY 2009

Case No.	Parties	Concerns	Status
No. 29382 Civ. 07-1-1265-07 Case Nos.: DR-01-93a, DR-10-93b	Linda Lingle v. UPW and HGEA	State filed an appeal from Dec. 470 pertaining to subpoenas of union records.	First Circuit Court reversed the Board. UPW filed appeal to ICA. Judgment filed on 1/4/08. UPW filed appeal to IAC. IAC dismissed appeal for lack of appellate jurisdiction on 6/2/08.
Civ. 07-1-1366-07 Case No. CE-01-594	UPW v. Clifford Lum	City filed an appeal from Dec. 471.	Court issued Order Affirming Hawaii Labor Relations Board Decision No. 471 dated June 29, 2007 in Case No. CE-01-634 and Order Denying Respondents - Appellants' Motion for Stay Pending Appeal filed on August 24, 2007 issued on 4/15/08. Lum filed appeal to ICA. Stipulation for Dismissal on Appeal filed 8/25/08.
Civ. 07-1-1397 Case No. CE-01-539	UPW v. Patricia Hamamoto and Connections	Patricia Hamamoto and Connections filed an appeal from Order No. 2457.	Third Circuit Court reversed Board Order and remanded case in Decision and Order on the Appeal of Respondent - Appellants Patricia Hamamoto, et al. filed on 12/3/08. Notice of Judgment filed on 3/11/09.
Civ. No. 07-1-1616-08 Case No. CE-01-594	Debra Pimentel v. UPW and HLRB	Employee appealed Order No. 2460 dismissing her complaint.	First Circuit Court remanded the case to the Board for further proceedings on 1/3/08. Board issued Order No. 2519, Order Granting UPW's Motion to Dismiss Complaint and/or for Summary Judgment on 6/25/08. Upon further appeal Court filed Order Affirming Hawaii Labor Relations Board's Order No. 2519, dated June 25, 2008 on 12/19/08. Judgment and Notice of Judgment filed on 12/19/08.
S.P. 07-1-0054	HLRB v. Patricia Hamamoto and UPW	Petition to Enforce	Court issued Order Granting Petition for Enforcement on 12/14/07; Court filed Judgment and Notice of Judgment on 12/14/07. To be withdrawn.
Civ. 08-1-0023 Case No. CU-10-248	PSD v. UPW and HLRB	State filed an appeal from Order No. 2478 dismissing a prohibited practice charge against the Union for violating an arbitration award.	First Circuit Court remanded to Board (6/30/08). Pending submission of order.

HAWAII LABOR RELATIONS BOARD - COURT CASES IN FY 2009

Case No.	Parties	Concerns	Status
Civ. 08-1-0885-05 Case No. CE-01-655	UPW v. Milton Arakawa, et al.	UPW appealed Order No. 2499 - granting in part and denying in part motion for summary judgment.	First Circuit Court reversed Board Order No. 2499 dated April 14, 2008 and remanded case for further proceedings on 5/4/09.
Civ. 08-1-2277-11 Case No. DR-05-99	HSTA v. Valerie Biven, et al. and HLRB	HSTA appealed Order No. 2554 regarding drug testing.	Pending briefing.
Civ. 08-1-2667 Case No. OSH 2007-20	DLIR v. Permasteelisa Cladding Technologies, et al.	DLIR filed appeal from Decision No. 24.	First Circuit Court affirmed Board Decision No. 24 on 5/29/09. Judgment and Notice of Judgment filed on 5/29/09. DLIR filed appeal to ICA on 6/24/09.
Civ. 09-1-0118-01 Case Nos.: CU-09-261 CE-09-651	Linda K. Hadley v. Hawaii Youth Correctional Facility and HLRB	Hadley filed appeal from Order No. 2567 dismissing complaint against State.	First Circuit Court affirmed Board Order no. 2567. Judgment and Notice of Entry of Judgment issued on 6/15/09.
Civ. 09-1-0475-02 Case No. CU-05-267	HSTA v. Linda Lingle, et al.	HSTA filed appeal from Order No. 2573 regarding drug testing.	First Circuit Court orally granted motion to dismiss; pending written order.
Civ. 09-1-0501-03 Case No. DR-01-95	UPW v. Patricia Hamamoto, Reshela Dupuis, Wendy Lagareta, and Marie Ladertia	UPW filed appeal from Order No. 2585 regarding charter schools.	Pending briefing.